

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT JANASZAK and STORM
JANASZAK,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

CASE NO. C12-5427 BHS

ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS AMENDED
COMPLAINT

This matter comes before the Court on Defendants JPMorgan Chase Bank, N. A., Wells Fargo Bank NA's ("Defendants") motion to dismiss amended complaint. Dkt. 27.

On October 1, 2012, the Court granted Defendants' motion for judgment on the pleadings and granted Plaintiffs Scott and Storm Janaszak ("Janaszaks") leave to file an amended complaint. Dkt. 20. On December 5, 2012, the Court granted the Janaszaks' attorney's motion to withdraw and ordered the Janaszaks to file an amended complaint no later than January 4, 2013. Dkt. 25. On that date, the Janaszaks filed an amended complaint. Dkt. 26.

1 On January 10, 2013, Defendants filed a motion to dismiss the amended
2 complaint. Dkt. 27. The Janaszaks did not respond. On February 6, 2013, Defendants
3 replied. Dkt. 29.

4 Defendants request that the Court dismiss the Janaszaks' amended complaint
5 because they have failed to cure the deficiencies set forth in the Court's prior order. Dkt.
6 27. First, the Janaszaks have failed to respond to the motion, which the Court considers
7 an admission that Defendants' motion has merit. Local Rule CR 7(b)(2). Second, the
8 Janaszaks' amended complaint is simply their original complaint along with a cover sheet
9 requesting that the Court order a "fair and equitable loan modification." *See* Dkt. 26.
10 The Court finds that, although the Janaszaks have been allowed sufficient time to file a
11 proper amended complaint, they have failed to comply with the Court's previous order to
12 correct the deficiencies in their original complaint. Therefore, the Court **GRANTS**
13 Defendants' motion and the Janaszaks' amended complaint is **DISMISSED**. The Clerk
14 shall close this case.

15 **IT IS SO ORDERED.**

16 Dated this 26th day of February, 2013.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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